

Notice of Allowability

Application No.

10/783,281

Examiner

AJIT G. PATEL

Applicant(s)

KANG, KI BONG

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/3/06.
2. ☒ The allowed claim(s) is/are 1-3;5-7,16,17,20,21,24 renumbered 4-11 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. T. Haverstock on 11/14/06.

2. The application has been amended as follows: The amendment to the claims as follows.

1. A method of maximizing a packet transfer rate in a network from a network appliance to an access point, wherein the network appliance has a faster packet transfer rate than the access point, the method comprising the steps of:
 - a. determining a transfer speed of packets for the access point;
 - b. controlling a rate of transfer of packets from the network appliance to accommodate the access point;
 - c. determining an average size of packets received by the network appliance for transfer to the access point; and
 - d. adjusting the rate of transfer of packets from the network appliance in response to the average size of packets, wherein adjusting the rate of transfer is performed dynamically to accommodate changes in the average rate of transfer of packets.

Claim 4 has been canceled.

5. An apparatus for maximizing a packet transfer rate in a network from a network appliance to an access point, wherein the network appliance has a faster packet

transfer rate than the access point, the method comprising the steps of:

- a. a system for determining a transfer speed of packets for the access point;
- b. a controller for controlling a rate of transfer of packets from the network appliance to accommodate the access point;
- c. a circuit for determining an average size of packets received by the network appliance for transfer to the access point; and
- d. controller means for adjusting the rate of transfer of packets from the network appliance in response to the average size of packets, wherein the controller means operates dynamically to accommodate changes in the average rate of transfer of packets.

Claims 8-15 have been canceled.

16. A method of maximizing packet throughput on a network, comprising:
 - a. computing an average packet size; and
 - b. dynamically adjusting an amount of data to be transmitted per unit of time based on the average packet size, wherein the average packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time increases, wherein the amount of data to be transmitted per unit time is based on either:
 - a processing speed of an access point, or
 - a processing speed of an access point and the average packet size,and when the incoming packet is less than the average packet size the amount of data to be transmitted per unit of time decreases.

Claims 18-19 have been canceled.

20. The method of claim 16 [19] wherein the processing speed of the access point is predetermined.

21. An apparatus for maximizing packet throughput on a network, comprising:

- a. means for computing an average packet size; and
- b. means for dynamically adjusting an amount of data to be transmitted per unit of time based on the average packet size, wherein the average packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time increases, wherein the amount of data to be transmitted per unit time is based on either:

a processing speed of an access point, or

a processing speed of an access point and the average packet size,

and when the incoming packet is less than the average packet size the amount of data to be transmitted per unit of time decreases.

Claims 22 and 23 have been canceled.

24. The apparatus of claim 21 [23] wherein the processing speed of the access point is predetermined.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-SATURDAY.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP


Ajit Patel
Primary Examiner